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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,708	03/17/2004	Bernard Pittman	2193-001	1845
27522	7590	11/17/2005	EXAMINER	
SEAN W. GOODWIN 237- 8TH AVE. S.E., SUITE 360 THE BURNS BUILDING CALGARY, AB T2G 5C3 CANADA			ROSS, DANA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,708

Applicant(s)

PITTMAN, BERNARD

Examiner

Dana Ross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see page 2 of the disclosure for example). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Objections***

2. Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 6 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, states "...for attachment at least two intact...". It appears this should read "...for attachment **to** at least two intact...". Clarification is required.

Claim 2, line 2, states "the drill forms and oversized stud bore". It appears this should read, "the drill forms **an** oversized stud bore". Clarification is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,435,781 (Jones, hereafter '781) in view of US Pat. No. 3,204,493 (Severdia, hereafter '493).

'781 teaches an apparatus and method for removing a broken stud 12 using a template 10 and extraction tool 24; The template 10 (alignment block) with at least one pilot port 16 (see figure 1, for example) and a drill bit with a cooperating drilling bushing 18 (drilling pilot).

'781 teaches it is well known in the art to have milling and tapping tools and corresponding pilots in addition to '781's drilling bit and pilot (see col. 2, lines 33-41).

'493 teaches the use of drilling, milling and tapping tools and corresponding pilots.

Regarding claim 2 and 8, '781 teaches the drilling and removal of the broken stud, but does not disclose the details of replacing the stud with a new stud. Examiner notes that it is well known in the art to use a coiled insert as is evidenced by US Pat. No. 5,214,831 (Collins, Jr., et al, hereafter '831) which teaches it is well known that forces required to remove a bolt can damage the threads within a hole making the drilling of a larger hole and insertion of a coiled insert necessary for the replacement stud (see col. 1, lines 19-46, for example). In the alternative, if Applicant does not agree that the use of coiled inserts is well known as taught by '831, Applicant is referred to the below alternative 35 USC 103 rejection of claims 2 and 8.

Regarding claim 7, Examiner notes that '781 teaches removing a broken stud, specifically from a wheel hub, but further discusses prior art which teaches extracting a broken stud from an engine block without removing the covering of the manifold (col. 1, lines 31-43). Examiner notes that the apparatus and method taught by '781 is for the removal of a broken stud, and due to '781's addressing of the broken stud from an engine block, the method also teaches that to remove the broken stud would require the manifold be removed to use the template 10 on the broken stud (see figure 2, for example).

Therefore it would have been obvious to one of ordinary skill in the art to modify the apparatus for removing a broken stud 12 as taught by '781 to include the use of milling and tapping tools and their corresponding pilots as taught by '493 for the purpose of providing different machining operations using the same template.

7. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over '781 in view of '493 and in further view of '831.

'781 in view of '493 teach all aspects of claims 1 and 7 as discussed above. '781 is silent as to the insertion of the new stud into the machined hole.

'831 teaches it is well known in the art to use a coiled insert for a replacement stud (see col. 1, lines 19-46, for example).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generic apparatus and method of placing a new stud into a hole as taught by '781 with the specific apparatus and method as taught by '831 for the purpose of providing an insert that allows a bolt of the same size previously used in the device to be used as a

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replacement bolt, therefore avoiding replacement of the device with the damaged threads or resorting to larger sized bolts (see '831, col. 1, lines 59-66, for example).

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana Ross  
Examiner  
Art Unit 3722



dmr